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RICHARD F. TAALAK,
Plaintiff,
v.
UNITED STATES OF AMERICA,
Defendant.

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Case No. _____

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authorized by the Indian Health Care Improvement Act, 25 U.S.C. §161-Sec. 161a, §121 of Pub. L. 94-437, as amended and Title V of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. §450 et seq., Pub. L. 93-638 as amended.

3. The United States of America, Department of Health and Human Services administers or oversees the programs and services of SSMH.

4. Richard Taalak filed an Administrative Tort Claim under the Federal Tort Claims Act and the administrative claim was denied on April 9, 2012. This being a claim against the United States, which alleges injury as a result of medical malpractice and negligence, this court has jurisdiction of this action under the Federal Tort Claims Act. 28 U.S.C. §2671 et seq.

5. The United States through SSMH was responsible for providing medical treatment to Richard Taalak in May, 2009. SSMH failed to provide the appropriate standard of care when conducting a routine colonoscopy causing Richard to suffer serious physical injury and emotional distress.

6. Mr. Taalak lives in Barrow, Alaska. On May 6, 2009, he had a colonoscopy performed by general surgeon, Regina Chennault, M.D. This routine diagnostic and preventative procedure resulted in multiple serosal tears throughout his colon.

7. Within hours of the procedure, Mr. Taalak's stomach was distended and he was in excruciating pain which he rated as 7 on a scale of 1-10. He returned to the Barrow emergency room where Dr. Hussain saw him and identified free air under his diaphragm, which indicated a colon perforation. This acute traumatic perforation

resulted in an emergency medevac flight to the Alaska Native Medical Center (hereinafter ANMC) in Anchorage, Alaska, some 800 miles away.

8. In Anchorage, an exploratory laparotomy was performed which confirmed the torn colon. In fact, Mr. Taalak was found to have a “pinhole size perforation in the sigmoid colon with an associated large serosal tear, multiple serosal tears throughout the colon, specifically two in the cecum and one in the distal transverse colon”.

9. Mr. Taalak was eventually discharged from the Alaska Native Medical Center some six days later. However, he returned on one occasion due to a wound drip caused by an uneven wound closure.

10. Upon returning home to Barrow, Alaska, it was necessary for Mr. Taalak to visit SSMH on seven different occasions associated with this injury.

The physical pain, suffering, and loss of enjoyment of life that Richard Taalak and his wife endured is unimaginable. These multiple, large serosal tears of his colon was a direct and proximate result of the breach of the standard of care normally exercised in performing a colonoscopy.

COUNT I

11. All preceding paragraphs of this complaint are incorporated into this first cause of action and plaintiff further complains and alleges:

12. When Richard Taalak presented to SSMH for medical treatment, defendant failed to exercise the degree of skill and care normally exercised by medical professionals.

13. As a direct and proximate result of defendant's failure to exercise the degree of skill and care normally exercised by competent medical personnel Richrad

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